

Board of Selectmen  
November 26, 2012

PRESENT: Rick Griffin, Chairman  
Richard Nichols, Vice Chairman  
Michael Pierce, Selectmen  
Ben Moore, Selectmen  
Philip Bean, Selectmen  
Frederick Welch, Town Manager

6:30 PM Non-meeting RSA 91-A:2, II, (b)

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

I. Public Comment Period

Corinne Baker, 244 Exeter Road, requested that they have lower seats at the front table since it is hard for the audience to see the Board.

Norm Silberdick, 70 Tide Mill Road, made comments about things he read on Patch in regards to the Board micromanaging the Department Heads. He does not see a problem with the Board making contact with Department Heads if they have questions or issues that need to be addressed.

Gerry Znoj, 16 Presidential Circle, spoke about appointments in regards to dewatering and brought the public up to speed on where he left this project at when he was a Selectman.

II. Announcements and Community Calendar

Mr. Moore reminded everyone about the following upcoming events: Tree Lighting on Friday night the 30<sup>th</sup> and the parade on Saturday.

Mr. Welch announced that there will be a hearing on Wednesday night in the Selectmen’s meeting room in regards to the Aquarion Water Company increase in water rates. He went into further details on this event.

III. Appointments

1. Norm Silberdick

a. Proposed Warrant Article – Recycling Committee

Mr. Silberdick following up on the conversation they had a few weeks ago in regards to the use of clear bags and enforcement of recycling. The Committee has since met and put together some wording for a warrant article and if accepted by the Board the committee

would like Mr. Welch, Atty. Gearreald and Mr. Noyes to draft the language for the article. He went through the essence of the article which included the use of clear bags for disposal of trash if violated get 2 warnings and on the third your trash will not be picked up.

#### Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Silberdick.

Chairman Griffin confirmed with Mr. Welch that the Legal Department is going to work on the language for this article.

Mr. Moore made comments and asked questions as follows: will be opposed to this, provided some examples of bags that could be used, don't have clear carts so how is this going to work, beyond enforceable and will just end up being another ordinance that cannot be enforced.

Mr. Pierce made comments and asked questions as follows: allow time for local stores to have clear bags available, goal is to encourage people to do the right thing, very unobtrusive and does not use the board whacking approach, passive approach to the 30% recycling rate, cost less to get recyclables out of Town and reasons why this should be supported.

Mr. Bean enthusiastically supports Mr. Moore's comments and thanked Mr. Silberdick for his efforts. He supports the men and women of the DPW Department and letting them do their job.

Mr. Nichols asked the following questions and made comments: confirmed that this would be a warrant article for the voters to decide on, thinks Ben did make some good points and should turn over to Legal for an opinion.

#### Comments made by DPW employees

Frank Swift spoke about the problems with giving residents a warning and does not see how the clear bags will make a difference. He did talk about a tag system they had in place. He does not view DPW as an enforcement agency but instead as a service agency.

Chairman Griffin thanked everyone for their comments and the Board will be taking this under advisement.

Mr. Nichols suggested that the Board take a vote to determine if they go any further with this.

Mr. Bean MOTIONED that the Board not support the proposal brought forward by Mr. Silberdick on behalf of the Recycling Committee. Mr. Moore SECONDED.

#### Discussion on motion

Mr. Moore does not want to take away anyone's right to petition so if they wish to go that route with this article that is an option.

Mr. Pierce expressed concerns with a lack of enforcement and how the Town is stuck at the same level of recycling. He thinks this is a good way to go.

There was an additional discussion between Mr. Moore and Mr. Pierce on recycling and enforcement.

Mr. Nichols agrees with a lot of what Mr. Moore has said but would like to hear what Legal and DPW have to say.

Chairman Griffin did not have a problem with putting this forward but after hearing from the employees he would have to agree that this is not going to work.

Mr. Silberdick shared information on how this has worked in other areas and shared some details on how it does work.

Mr. Bowley shared some history on how he started out with recycling at the beach and how the recycling program that they have now is working. He thinks this has been talked and beaten to death.

Mr. Bean just reiterated Mr. Moore's comment that a citizen can still put this forward as a petitioned article.

VOTE: 2-3(Bean, Griffin, Moore)-0

## 2. Keith Noyes, DPW Director

Mr. Noyes and two DPW employees Frank Swift and Ryan Sharpe were present to discuss Solid Waste.

### a. Solid Waste

Mr. Noyes and the others touched on the following items: memo with a recommendation, map of routes including days, streets where side loaders are run and why, more complicated than some people may think, equipment maintenance and personnel reasons.

### Discussion

The following members of the Board asked questions and made comments which were addressed by the DPW employees present.

Mr. Pierce made comments and asked questions as follows: calls he received since recycling was not picked up over the holiday, questions about certain colors on the map, number of wide streets where side arm trucks are not used and really looking at a need for additional side arm trucks, . Mr. Swift commented on further details on the routes and how they are run. Mr. Sharpe commented on trucks being used on which routes. Mr. Noyes commented on his proposal, guidance from the Board on what level of service they want to provide and why he was originally looking for a rear loader.

Mr. Bean asked questions and made comments as follows: thanked them all for coming, wished them a Happy Thanksgiving, danger of their jobs, did not receive any complaints, looking for their leadership in regards to routes and if pick up frequency needs to be changed then that's what will happen.

Mr. Nichols asked questions and made comments as follows: two distinct issues frequency of pick up and method of pick up, appears to be no documentation related to either, benefit to having documentation, favorable reaction to DPW Directors proposal in regards to frequency of pick up, equal amount of side arms to rear loaders, pick up approximately 6500 properties a week, areas not suitable for side arm trucks, used database and only came up with about 6 or 7% of streets not suitable for side arm trucks, why he is not able to support the purchase of

another rear loader and what number of trucks are out at this time of year compared to summer. Mr. Swift commented on the rotation for the side arm trucks for maintenance.

Mr. Moore asked questions and made comments as follows: maintenance issues on side arm trucks, how reliable have they found the side arm trucks to be, probably a 3 year payback on the side arm packer, smaller side arm trucks available, might never be able to go to all side arm trucks, postponing purchase from 2013 to a later time might not make a difference so it might be something they want to get behind them and go with the rear packer. Mr. Swift commented on the maintenance of the side arm trucks and the many moving parts on these trucks.

Mr. Nichols commented that to Ben's point in regards to getting behind the rear loader he would want to have the information on where side arm trucks are not suitable. DPW will get this information to Mr. Nichols.

Chairman Griffin commented that the Board will now discuss the frequency of pick up.

Mr. Moore made comments and asked questions as follows: fine with once a week pick up for residential areas with a few exceptions, effective now, formalize Mr. Noyes plan, good with the whole plan as proposed, problems with going on to private property and private roads ok as previously approved by Board.

Mr. Pierce made comments and asked questions as follows: ok with phase one in regards to pick up frequency and concerns with going on private property.

Mr. Bean commented as follows: has full confidence in the Director, how he runs his department, scheduling and communicate this change to the public.

Mr. Nichols asked questions and made comments as follows: clarify that the proposal of not going on to private property is for all private property including businesses and residential, residential currently picking up many locations 3 times a week so will impact people immediately not starting in June and definition of what is residential, not as simple. Mr. Sharpe went through the areas that are picked up multiple times a week year round, and Monday is the main pick up day.

Mr. Moore wonders if they can approve bullet point one and save bullet point two to a further date to discuss private property in greater detail.

Mr. Moore MOTIONED that the Board endorse the position of the Director of Public Works that they limit the pick-up of non-commercial trash and recycling collection to one day a week Town wide with effective date of January 1, 2013. Mr. Pierce SECONDED.

#### Discussion on motion

Mr. Nichols wonders what is non-commercial which Mr. Swift went through a description for the Board of what is defined as commercial. Mr. Nichols does not think they should be going down Streets A through Q more than once a week.

Mr. Moore MOTIONED to modify the MOTION to say "limit the pick-up of residential trash and recycling collection to one day a week". Seconded by Mr. Pierce.

[The MOTION is as follows: that the Board endorse the position of the Director of Public Works that they limit the pick-up of residential trash and recycling collection to one day a week Town wide with effective date of January 1, 2013.]

Chairman Griffin would like to know about the complaints they received in regards to pick up of recycling around the holiday. Mr. Noyes stated that they did and went through why it is done this way and how it is done similar to when there is a snow storm. He went into how this makes it consistent for the public.

There was a discussion on how the Department dealt with the complaints. They also discussed if the policy is good or if changes need to be made. Mr. Noyes commented on how it is impossible to satisfy everyone.

Mr. Nichols made comments and asked questions as follows: thinks it is good to have structure, how much of the complaints were related to lack of communication as opposed to having a problem with the approach and will people still have a problem now that they know this is the way it is. Mr. Noyes went into detail on communications that went out on the barrels, the website and the Hampton Union and Fosters.

Mr. Moore made comments as follows: received one phone call and email, Board approved the policy and if it is a problem for some they can take a trip to the Transfer Station.

Mr. Pierce made comments as follows: thinks the plan is fine, what appeared to happen here is lack of information on the residents part, call system to notify public, communication is an art form and sometimes we do not get the job done, two people complained recycling bins are too full, exchange of recycling bins to get larger barrels, good solutions can be put into place and maybe be accommodating since we want people to recycle.

Mr. Welch only received one complaint and they felt it was not acceptable to not have it picked up weekly.

Chairman Griffin asked if carts can still be exchanged and it can be done if the barrels come back clean. Mr. Nichols believes that there is a \$25 charge for cleaning.

- b. WWTP Dewatering Project – Engineering Construction Services
  - i. Contract Award to Wright-Pierce Engineers

Mr. Noyes, Mr. Jacobs and Mr. Dube were present to discuss this tonight. Mr. Noyes commented as follows: asking to switch engineers on this project, explained why he wants to do this, proposal from Wright Pierce, cost benefit from this proposal and received approval from the State to make this switch.

#### Discussion

The following members of the Board asked questions and made comments which were addressed by DPW employees.

Mr. Nichols asked questions and made comments as follows: funding aspect, breakdown of 5 items, will this complete the dewatering project and some background on warrant article including the 3 components. Mr. Noyes addressed Mr. Nichols concerns in regards to funding and this project being complete.

Mr. Pierce asked about purchasing the press separate as was brought up by Mr. Znoj. Mr. Noyes and Mr. Jacobs both addressed this concern.

Mr. Nichols MOTIONED to APPROVE the Contract Award to Wright-Pierce Engineers for the WWTP Dewatering Project in the amount of \$142,750. Mr. Pierce SECONDED.

VOTE: 5-0-0

- c. WWTP Dewatering Project – Construction of Modifications to Facility and Press
  - i. Contract Award to Waterline Industries Corp.

Mr. Noyes went through the bids that came in and this was the low bidder. He has worked with this vendor before. The prices were relatively close between all bidders.

Mr. Nichols MOTIONED to APPROVE the construction to the modifications of the Treatment Facility retrofits to existing facility and purchase of the rotary press as well as other cost in the amount of \$1,037,677 Contract Award to Waterline Industries Corp. Mr. Moore SECONDED.

VOTE: 5-0-0

- d. WWTP Roof Replacement
  - i. Contract Award to Second Lowest bidder – Kevin W. Smith & Son, Inc.

Mr. Jacobs went through the details of this project and how it was bid out a year ago and why it was put out to bid again this year. The second low bidder met all requirements at \$39,600 and why he rejected the low bidder.

#### Discussion

Mr. Pierce asked if it was proper procedure to not go with the low bidder because they did not follow the process. Mr. Jacobs went through the rejection process and why they try to follow the process.

Mr. Bean MOTIONED to ACCEPT bid #2012-003 for the WWTP Roof Replacement bid to Kevin W. Smith & Son, Inc. for the lump sum bid amount of \$39,600. Mr. Moore SECONDED.

#### Discussion on motion

Mr. Nichols understands everything Mr. Jacobs has said but asked questions as follows: seems we have a very set bid process, wonders if this is typical of other municipalities and possible to add information to RFP explaining how ridged the Town is going to be. Mr. Jacobs addressed Mr. Nichols concerns.

Mr. Moore confirmed this is coming from operating.

VOTE: 5-0-0

#### Warrant Article “Sewer and Drains Building and Equipment Vehicle Wash Down Facility”

Mr. Noyes would like to discuss this tonight and he has Tobey Spainhower here to discuss with the Board. They touched on the following: received a detailed estimate from a company in Town of \$486,208 and credit for shortening by one bay would be about \$22,000. Mr. Spainhower went through bullet points of why building is needed: store and perform maintenance on the over a million dollars of equipment they have outside, storage space needed, heated storage space needed for some equipment, office space, storage for DPW archives, personnel tools and supplies close by, asked to have this building 20 years ago and encourage anybody to come down and take a look around.

#### Discussion

Mr. Bean thanked Mr. Spainhower for his service and he fully supports this project.

Mr. Nichols thinks that Mr. Spainhower makes some good points and his only argument is that there are too many things going to ballot.

Mr. Moore MOTIONED to MOVE the Article pertaining to the “Construction of a Sewer and Drains Building and Equipment Vehicle Wash Down Facility” forward with a value of \$500,000; and to move to recommend and forward the Article to the Budget Committee. Mr. Bean SECONDED.

#### Discussion

Mr. Nichols is not ready to do this at this time.

VOTE: 3-2(Nichols, Pierce)-0

Road Warrant Article – Mr. Nichols reminded Mr. Noyes that they still have the issue of this article and the need for an amount of money. Mr. Noyes will get this information for the Board.

#### IV. Approval of Minutes

##### 1. September 18, 2012 Minutes

Mr. Nichols MOTIONED to APPROVE the minutes of September 18, 2012. Mr. Moore SECONDED.

VOTE: 5-0-0

##### 2. September 18, 2012 Sealed Minutes

Mr. Nichols MOTIONED to APPROVE the Sealed Minutes of September 18, 2012. Mr. Moore SECONDED.

VOTE: 5-0-0

##### 3. November 05, 2012 Minutes

Mr. Moore MOTIONED to APPROVE the minutes of November 05, 2012. Mr. Nichols SECONDED.

VOTE: 4-0-1(Griffin)

##### 4. November 05, 2012 Sealed Minutes

Mr. Nichols MOTIONED to APPROVE the Sealed Minutes of November 05, 2012. Mr. Moore SECONDED.

VOTE: 4-0-1(Griffin)

##### 5. November 13, 2012 Minutes

Mr. Moore MOTIONED to APPROVE the minutes of November 13, 2012. Mr. Pierce SECONDED.

VOTE: 4-0-1(Griffin)

Mr. Nichols brought up statutory requirements in regards to minutes. There was a discussion on the statute.

#### V. Town Manager's Report

1. Please make note that the State of New Hampshire Public Utilities Commission will be holding a public statement hearing in the Selectmen's Meeting Room at the Hampton Town Office on Wednesday, November 28<sup>th</sup> at 7:00 PM to receive comments from those served by the Aquarian Water Company on their proposed increases to your water utility rates. If you have comments please attend and provide those comments to the Commission who will decide on the size and timing of the water utility rate increases.
2. Residents are respectfully reminded that trash carts must be removed before snow so that they will not be damaged by plowing equipment. The current ordinance requires carts to be removed from streets and sidewalks after collection.
3. The Town has received the initial report concerning lead paint and asbestos in the Old Court House. I have instructed the Building Department to obtain costs to prepare a work plan that will enable us to obtain a cost to accomplish the work required. Use of the building for training has been cancelled and breathing protection must be worn in the structure as a precaution.
4. Just a reminder that the winter parking ban is in effect from November 15<sup>th</sup> to March 15<sup>th</sup> from 1AM to 7AM on any way in the Town of Hampton
5. Parking is permitted in the Ashworth and Island Path parking lots during a snow emergency. Vehicles must be removed from those lots at 7AM following the snow emergency.
6. Parking is not permitted in Town Parking Lots at Ashworth Avenue or Island Path except for those individuals who have a paid lease for their vehicle. Those parking without the lease will be subject to fines and towing.

#### Discussion

Chairman Griffin and Mr. Nichols both agreed with the ordinance in regards to residents being responsible for taking their carts in.

Mr. Nichols asked questions and made comments as follows: bullets have been missing for Town Manager's report on the agenda, Old Court House if take it down would we be going with two vendors and explained why he is asking this and bidding prior to warrant article. The Board agreed to have it bid prior to the warrant article.

#### VI. 2013 Warrant Articles

Mr. Nichols made comments on: the Lafayette Road/Winnacunnet Road intersection and language added, DPW road improvement need estimate, I&I Study language added so scope can be outside of Hampton beach, petitioned article for Christmas Parade, sewer connection fees comment in regards to consulting with Mr. Jacobs on commercial hookups, numbering issue with ordinances and problems with 15A entertainment ordinance noise issues and he is in favor of doing something with the timeframe. He would like to see some sort of an article drafted to address the issue with noise in regards to the entertainment ordinance. Chairman Griffin would disagree with this.



Mr. Nichols MOTIONED to have a draft of an amendment to the Entertainment Ordinance in regards to noise. Mr. Pierce SECONDED.

#### Discussion on motion

Mr. Pierce thinks that we need to do something about this and shared why he feels this way.

Mr. Moore thinks it is too late to start to work on something like this it should have been started a long time ago if they wanted to make this change this year.

Chairman Griffin thinks there needs to be input from the public and this is not the time of year to be doing this.

Mr. Nichols reminded everyone that he brought this up in July and it has flipped off the radar.

Mr. Bean defers to Department Head leadership, need to go slow and time is of the essence and is not available now.

VOTE: 2-3(Griffin, Bean, Moore)-0

Mr. Moore made comments as follows: agree with comments on Road improvements & WWTP study, typo in police forfeiture article, finalized amount in cemetery burial fund, is this the final list and when can we start voting on these articles.

Chairman Griffin confirmed that Atty. Gearreald will have a final copy for the Board next week for a vote.

Mr. Pierce made comments as follows: typo error, article 29 is a backdoor effort to put the fields on the back 40 and he is dead set against this article.

Mr. Bean made comments as follows: feels Mr. Pierce was a little harsh in regards to the Rec Fields, thinks that article 29 is an effort to come up with a plan and drop dead date for the Board to approve the articles.

Chairman Griffin and other members of the Board went through a timeline of how articles have been approved by the Board in the past. It was confirmed that Atty. Gearreald will have final copies to the Board by Friday. Atty. Gearreald commented that article 2 will not be ready by the end of the week.

Mr. Nichols commented on the number of articles and provided some history on the number of articles in the past.

## VII. Old Business

1. Parking Lot Restrictions Amendments
  - a. High Street and Cusack Road Lot
  - b. King's Hwy and High Street Lot

Mr. Welch went through the work that Kristina has done on the parking in this area including: how many of these spots are resident parking, how the signs have disappeared for some of these resident spots and how they have recreated the parking to the best of their ability for the Boards thoughts.

#### Discussion

Mr. Moore commented that it might be easier to label the non-resident spots.

Mr. Nichols made comments as follows: problem with labeling non-resident spots, addressing scooter issue, great job done by Kristina, second set of eyes should look at this and is this something that the Board would like public comment on before putting it in place.

Chairman Griffin thinks we should definitely put it out for the public to see.

The Board agreed to put this on the agenda and ask the newspapers to put the information out.

Mr. Bean commented that there were business owners who have come in and spoken on this in the past.

Mr. Pierce expressed the extreme need for signage.

## VIII. New Business

### 1. Intent to Cut Timber – Off Juniper Lane

Mr. Welch explained the intent to cut that was filed and it is in proper order for the Board to approve.

#### Discussion

Chairman Griffin discussed the location and the subdivision that might be going in.

Mr. Bean wonders if there is a reason why this is not on the Consent Agenda.

Mr. Pierce confirmed that the Conservation Commission has already seen this request.

Mr. Bean MOTIONED that the Board sign the Intent to Cut Timber off Juniper Lane. Mr. Pierce SECONDED.

VOTE: 5-0-0

### 2. Smuttynose – Request to waiver Sewer Connection Fee

Mr. Welch explained they received the request after billing the sewer connection fee of \$25,000 and the reason why Smuttynose thinks it should be waived.

#### Discussion

Chairman Griffin asked for an opinion of Mr. Welch. Mr. Welch commented that they do not have an opinion but caution the Board that it could set a precedent.

Mr. Nichols made comments: how is the fee set, have we charged other commercial properties using this same calculation, did not see any language in ordinance allowing the Board to waive the fee and has anyone else extended a sewer on public land. Mr. Welch stated that they did charge the Old Salt this fee for the facility at the beach. Atty. Gearreald explained the ordinance and the Boards ability to grant a variance.

There was a discussion on whether or not this has been done in the past and if so when and where.

Mr. Bean made comments as follows: asked Atty. Gearreald if the BOS can waive the fee and Atty. Gearreald does not think the BOS can directly waive the fee. But, the BOS does

have supervisory control of the Town Manager and the DPW Director and can provide a recommendation to both to waive the sewer connection fee.

Mr. Bean MOTIONED that the Board provide positive input to the Town Manager and DPW Director in response to the 21 November request from the President of Smuttynose that they waive the \$25,000 sewer connection fee. Mr. Moore SECONDED.

Discussion on motion

Mr. Moore made comments as follows: that they need to point out the public benefit if any and the motion is to support what the Manager and DPW Director believe what is best. Atty. Gearreald discussed in detail some of the things that have been done in regards to sewer connection work that Smuttynose has done.

Mr. Nichols wonders if there is an option to charge another amount.

Chairman Griffin asked what cost the Town is going to have and it will not be a cost to the Town for this connection.

Mr. Welch stated that if he was going to recalculate this he would do so on a residential basis.

Mr. Bean and Mr. Moore both feel that they should support this business.

VOTE: 5-0-0

IX. Consent Agenda - None

X. Selectmen's Closing Comments - None

XI. Adjournment

Mr. Bean MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 4-0-0

A motion was made by Mr. Nichols to go into a non-public session under RSA 91-A:3, II (a), this motion was seconded by Moore. A roll call vote was taken, and all 4 Selectmen were in favor

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Chairman